

BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT

RULE 602 - DECISION AND APPEAL

(Adopted January 4, 1972; Amended and Recodified August 6, 1985; Recodified August 22, 2002)

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RULE 602

- 1 **DECISION:** The decision of the Butte County Air Quality Management District Hearing Board on each petition shall be in writing, served and filed within thirty (30) days after submission of the cause by the parties thereto and shall contain a brief statement of facts found to be true, a determination of the issues presented and the order of the Hearing Board. A copy of the decision shall be served in the manner specified in Section 2 of Rule 600 of this Regulation on the Air Pollution Control Officer (APCO), the petitioner and every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.
- 2 **EFFECTIVE DATE OF DECISION:** The decision shall become effective fifteen (15) days after copies of it have been served as provided in Section 1 above; provided, however, the Hearing Board may order that the decision shall become effective on an earlier specified day.
- 3 **APPEAL FROM DENIAL:** In addition to the general requirements of Section 3 of Rule 600 of this Regulation, petitions for review of the denial, conditional granting or suspension of any permit required by these Rules and Regulations shall set forth a summary of the application for the permit, or a copy thereof, the alleged reasons for the denial, conditional granting or suspension, and the reasons for the appeal.
- 4 **APPEAL AND PETITION FOR VARIANCE AFTER PERMIT DENIAL:** The Hearing Board shall not receive or accept a petition for a variance for the operation or use of any article, machine, equipment or other contrivance until a Permit to Operate has been granted or denied by the APCO except that an appeal from a denial of a Permit to Operate and a petition for a variance may be filed with the Hearing Board in a single petition. A variance granted by the Hearing Board

after a denial of a Permit to Operate by the APCO may include a Permit to Operate for the duration of the variance.